

REMARKS**Summary of the Office Action**

Claims 1-6, 29 and 30 stand rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

Claims 7, 9-11, 13, 15-25, 27, 28 and 31-46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshio et al. (U.S. Patent No. 6,215,952) (hereinafter "Yoshio") in view of Ando et al. (U.S. Patent No. 6,356,706) (hereinafter "Ando").

Claim 8, 12, 14 and 26 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Summary of the Response to the Office Action

Applicants have amended claims 1, 7, 11, 13, 15, 21, 23, and 25-27 to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. Applicants have canceled claims 5, 9, 19, 30, 32, 34, 36, 38, 40, 42, 44 and 46 without prejudice or disclaimer. Accordingly, claims 1-4, 6-8, 10-18, 20-29, 31, 33, 35, 37, 39, 41, 43 and 45 currently remain pending for consideration.

Rejection under 35 U.S.C. § 101

Claims 1-6, 29 and 30 stand rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. While this rejection is respectfully traversed, Applicants have canceled claims 5 and 30 rendering the rejections of these

claims moot. Withdrawal of the rejections of claims 5 and 30 is thus respectfully requested. In addition, independent claim 1 has been further amended to improve its form.

The Examiner asserts, at page 2, section 2 of the Office Action, that “[m]ere video data that cannot exhibit any functional interrelationship with the way in which computing processes are performed does not constitute a statutory process, machine, manufacture or composition.” The Examiner cites to “MPEP 2136 IV B 1 (b) from 2100-13 to 2100-14” in this regard.

Applicants strongly traverse these assertions for at least the following reasons. In particular, MPEP 2136 is directed to “35 U.S.C. 102(e)” and does not relate to the subject issue relating to 35 U.S.C. 101 to any extent. To the extent that the Examiner intended to refer to MPEP 2106 IV B 1 (b), such an assertion would still be respectfully traversed for at least the following reasons.

The Office Action appears to be asserting that the subject claims are allegedly directed to an information record medium storing nonfunctional descriptive material. It appears that the Examiner intended to cite to MPEP § 2106.IV.B.1 in this regard. This rejection is respectfully traversed because the very portion of the MPEP cited by the Examiner cites to In re Lowry, 32 F.3d 1579, 1583-84 (Fed. Cir. 1994) for the proposition that a “claim to data structure stored on a computer readable medium that increases computer efficiency held statutory.”

MPEP § 2106, IV.B.1 also states that “[w]hen functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since the use of technology permits the function of the descriptive material to be realized.

Independent claim 1 is directed to an information record medium arrangement that includes data stored in particular ways that increases the efficiency of the information reproducing apparatus that will read the medium, as described throughout the specification of the instant application.

In an effort to expedite the prosecution of this application, independent claim 1 was amended in the previous Amendment filed on July 11, 2005 to impart additional functional interrelationship between the information recorded on the record medium with an information reproducing apparatus by specifying that the information record medium is “readable by an information reproducing apparatus.”

While Applicants believe that such a recitation was sufficient to comply with the above-referenced directives of the MPEP, in the instant amendment, independent claim 1 has been amended to impart an even further functional interrelationship between the integrated reproducing procedure information and the information reproducing apparatus. The specification explains how this integrated reproducing procedure information increases the efficiency of the information reproducing apparatus by indicating a reproducing procedure to sequentially reproduce different kinds of recording information. In addition, the integrated reproducing procedure information is described in newly-amended independent claim 1 as being information that is to be executed by the information reproducing apparatus.

See MPEP § 2106 IV.B.1.(a) which directs that “a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized, and is thus statutory.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that claims 1-4, 6 and 29 fully comply with 35 U.S.C. § 101. To the extent that the Examiner might maintain any portion of this rejection under 35 U.S.C. § 101, Applicants respectfully request that the Examiner particularly respond in detail to each of the foregoing points discussed above in connection with the above-cited directives of the MPEP. Withdrawal of the rejections under 35 U.S.C. § 101 is respectfully requested.

Rejection under 35 U.S.C. § 103(a)

Claims 7, 9-11, 13, 15-25, 27, 28 and 31-46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshio in view of Ando.

Applicants respectfully submit that Yoshio and the Applicants' claimed invention were, at the time the invention was made, subject to an obligation of assignment to the same assignee, Pioneer Electronic Corporation. Applicants respectfully submit that Pioneer Electronic Corporation is a previous company name of Pioneer Corporation. Further, Yoshio qualifies as prior art only under 35 U.S.C. § 102(e). Accordingly, Yoshio shall not preclude patentability of the Applicants' claimed invention in accordance with the provisions of 35 U.S.C. § 103(c). As all of the above rejections rely on the disclosure of Yoshio, Applicants respectfully submit that all rejections should be withdrawn.

Nevertheless, Applicants have newly-amended claims 7, 11, 13, 15, 21, 23, and 25-27 to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. Applicants have canceled claims 5, 9, 19, 30, 32, 34, 36, 38, 40, 42, 44 and 46 without prejudice or disclaimer. To the extent that these rejections might be deemed to

apply to the remaining claims 7, 10-11, 13-18, 20-28, 31, 33, 35, 37, 39, 41, 43 and 45 as newly-amended, they are respectfully traversed for at least the following reasons.

Independent claim 7 is directed to an information recording apparatus combination including integrated reproducing procedure information indicating a reproducing procedure to sequentially reproduce different kinds of recording information. Claim 7 has been newly-amended to describe that “said different kinds of recording information comprises any of video information with associated audio information, only audio information, and data information.”

In the Office Action, the Examiner stated that Ando discloses a program chain (PGC) for continuously reproducing a plurality of cells. As a result, the Examiner concluded that the combination described in independent claim 7 is obvious in light of Yoshio in view of Ando.

Applicants respectfully submit that Ando discloses PGC information for continuously reproducing a plurality of cells with video information being recorded in each cell. As a result, Applicants respectfully submit that Ando does not teach, or even suggest, that different kinds of recording information is recorded in a plurality of cells. On the other hand, newly-amended independent claim 7 specifically describes different kinds of recording information being recorded. In order to emphasize this important distinction, Applicants have amended independent claim 7 to explain that “said different kinds of recording information comprises any of video information with associated audio information, only audio information, and data information.” Similar amendments have also been made to the remaining independent claims and thus similar arguments as set forth above also apply to those remaining independent claims.

Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because neither Yoshio nor Ando, whether taken singly or combined, teach or suggest

each feature of independent claims 7, 11, 13, 15, 21 and 23, as amended. MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)." Furthermore, Applicants respectfully asserts that the dependent claims are allowable at least because of their dependence from their respective independent claims, and the reasons set forth above.

The Examiner is thanked for the indication that claims 8, 12, 14 and 26, while objected to as being dependent on rejected base claims, would be allowable if rewritten in independent form. However, Applicants respectfully submit that claim 8, 12, 14 and 26 are also allowable at least because of their dependence from independent claims 7, 11, 13 and 25, respectively. Withdrawal of the objections to claims 8, 12, 14 and 26 are thus respectfully requested.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

Dated: March 6, 2006

By:

A handwritten signature in dark ink, appearing to read "Paul A. Fournier", written over a horizontal line.

Paul A. Fournier

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